David Andrew D'Zmura P. O. Box 2541 Palm Desert, CA 92261 Tel. (760) 200-2581

760 200 2581

October 10, 2003

Office of Petitions Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

FAX RECEIVED LOCK 1 0 2003

via fax: (703) 308-6916

Attn: Office of Petitions

PETITIONS OFFICE

re: my Petition to Revive my Utility Patent Application, Number 09/849,582
Sole Inventor/Sole Applicant/Sole Owner: myself, David Andrew D'Zmura
my Entity Filing Status: Small Entity, being a pro se independent inventor
Agent/Attorney/Third Party Designee: None

in Reply to your Office's Decision on my Petition, bearing mailing date of September 22, 2003 said Decision identified as Paper No. 24, Attorney Paul Shanoski, Office of Petitions

Dear Madam or Sir:

Please enter this reply to your Office of Petitions' decision on my petition to revive my application #09/849,582, filing date of May 5, 2001, and please reconsider your Decision bearing on my petition, dated September 8, 2003, comprising a petition to revive under unavoidable delay to provide the issuance fee, SB61, due to financial difficulties throughout the applicable period.

I appreciated speaking with your Office's representatives by phone, including Attorneys of the USPTO Office of Petitions: Mr. Shanoski, Ms. Grant (9/29/03) and Mr. John Gillon (10/1/03), who were helpful in addressing the nature and content of material required in my reply this date. Should this particular reply not be sufficient in scope or detail, please allow me one further reply.

Following on my phone conversations with your Office, I am providing you the following:

- 1) copy of my bank statements for the period of the PTOL-85, mailed on June 2, 2003, I did not find it in my P. O. Box 2541 until two weeks later, I was not aware of its mailing, nor pre-advised of its allowance I have concealed account numbers and have added hand notations;
- 2) copy of my documents relating to my sale of my car, on Sept. 4, 2003, with the full name and address of the party to whom I sold my vehicle shielded to protect that party's privacy;
- 3) copy of my NOL Schedule B, computation of carry-back and carry-over to my 1997 through 2001 1040 personal income tax returns, which I provided to the IRS in my 1040X's for those years, necessitated by my 2002 1040 Net Operating Loss, NOL Schedule A, said Schedule B shows my modified income for the last number of years, wherein, I have concealed the amount of my 2002 NOL. My 2002 1040 return, 4/15/03, was entered by the IRS; my 1040X filings were made at advisement from the IRS. I filed my 1040X's, 9/25/03, by mail with certificate of mailing;
- 4) copy of my recent, July 2003, notice to pay service fee on my individual P.O. Box 2541, Palm Desert, CA 92261, identifying myself as box-holder, which I paid in cash on 7/18/03.

October 10, 2003
Office of Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

via fax: (703) 308-6916

Attn: Office of Petitions

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OCT. 1 0 2003

PETITIONS OFFICE

page two of two

Regarding my long-standing personal tax status: I am single, without dependents, I have no spouse or children; I file my taxes every year with the IRS, and prepare my tax returns myself.

I live in Riverside County, CA, since the Summer of 2002. I have no residence other than my apartment; I rent under lease. I do not have shop, store, office, nor do I deduct a "home office".

I have not been outside of Southern California, since I arrived here over a year ago. I have not been outside of the U.S. for over twelve years. I am a natural U.S. citizen, my sole citizenship.

I opened my mailing address, P.O. Box 2541, Palm Desert, CA 92261, new service, for my individual use only, on August 7, 2002, and have paid applicable fees for keys and renewal myself.

Outside of my car, I had no readily salable tangible asset with a clearly realizable value that would enable me to pay my application's issuance fee, let alone any other backlogged obligations.

I hope that your Office can grant my Petition to Revive my Application #09/849,582 on the grounds of unavoidable delay, due to financial difficulty. Thank you for your review of my Reply.

Sincerely,

David Andrew D'Zmura pro se independent inventor

enc. documents of my financial condition, 6/03 to 9/03, via my bank account statements documents of my sale of my car on September 4, 2003, and my ownership thereof personal tax document respective my overall financial/tax status, 1997 through 2002 evidence that my P.O. Box 2541 mailing address is my own personal USPS P.O. Box

17 pages intotal fax

EL PASEO BANK 74-175 El Paseo Drive 011 20 01

PAGE:

06/11

157.15

1

Palm Desert, CA 92260

DATE: 06/13/03 ACCOUNT:

my personal checking account

DAVID A DZMURA 78650 AVENUE 42 APT 810 BERMUDA DUNES CA 92201

727078 PS-CK C24 42010 WASHINGTOWALGREEN C INDIO CA 06

<T> 15

TELEPHONE: 760-862-0099 EL PASEO BANK 74175 EL PASEO PALM DESERT CA 92260 222722E22425664427664276642576462776662876652 EL PASEO CHECKING ACCOUNT ' .83 LAST STATEMENT 05/15/03 27.38 1,655.00 2 CREDITS 17.38 MINIMUM BALANCE 8 DEBITS 1,435.33 226.65 AVG AVAILABLE BALANCE 247.05 291.37 THIS STATEMENT 06/13/03 AVERAGE BALANCE _ _ _ _ - - - - DEPOSITS - - - - - - - -REF #....DATE.....AMOUNT REF #....DATE.....AMOUNT REF #....DATE.....AMOUNT 06/02 1,585.00 70.00 05/16 _ _ _ _ - - - - - CHECKS - - - - - - - -CHECK #..DATE.....AMOUNT CHECK #..DATE.....AMOUNT CHECK #..DATE.....AMOUNT 81.00 veterinerion + 06/05 14.61 newspaper *06/04 910.00 June cent 06/11 20.89 howsehold 5-891:45 *06/04 (*) INDICATES A GAP IN CHECK NUMBER SEQUENCE _ _ _ - - - - - OTHER DEBITS - - - - - -AMOUNT DATE DESCRIPTION 009499 W/D CHK C24 74-175 EL PASEO DR PALM DESERT CA 06 05/20 40.00 009582 W/D CHK C24 74-175 EL PASEO DR PALM DESERT CA 06 05/21 sumbrics 727134 PS-CK C24 42010 WASHINGTOWALGREEN C INDIO CA 06 171.68 06/09

WG4757

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DAYID ANDREW D'ZMURA



EL PASEO BANK

EL PASEO BANK 74-175 El Paseo Drive

011 20 01 PAGE: DATE: 07/15/03 ACCOUNT:

:83

Palm Desert, CA 92260

DAVID A DZMURA 78650 AVENUE 42 APT 810

BERMUDA DUNES CA 92201

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FINAL STATEMENT * *

TELEPHONE: 760-862-0099 EL PASEO BANK 74175 EL PASEO

PALM DESERT CA 92260

EL PASEO CHECKING ACCOUNT

247.05 LAST STATEMENT 06/13/03

.00 CREDITS 247.05 5 DEBITS THIS STATEMENT 07/15/03 .00

07/10

- - - CHECKS - - - - - - - -CHECK #..DATE.....AMOUNT CHECK #..DATE.....AMOUNT CHECK #..DATE.....AMOUNT 108.16 closing transaction

- - - - - - - OTHER DEBITS - - - - - -DATE AMOUNT DESCRIPTION 727051 PS-CK C24 42010 WASHINGTOWALGREEN C INDIO CA 06 06/16 40.80 731759 PS-CK C24 78-865 HIGHWAY LOWE'S LA QUINTA CA 06 06/16 008604 15.00 06/24 DELUXE CHECK CHECK/ACC.

ACCOUNT CLOSED - act-ally, I closed :+ 7/1/03

- see attached copy of check of 7/1/03 \$108.16

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ACCOUNT NO43	DATE July 1, 2003 90-8728/1222
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PETITIONS OFFICE

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personal
I opened this checking account on 7/16/03,
depositing \$100. I had never been in a
Bonk of America bonk, or had an account with
them before

Our free Online Banking service allows you to check account balances, transfer funds, pay bills and more. Enroll at www.bankofamerica.com.

Your Bank of America Standard Checking Statement

Statement Period: July 16 through July 18, 2003

Account Number:

74

At Your Service Call: 760,340,1867

Online: www.bankofamerica.com

Written Inquiries
Bank of America
Palm Desert Branch
PO Box 37176
San Francisco, CA 94137-0001

Customer since 2003
Bank of America appreciates your
business and we enjoy serving you.

☐ Summary of Your Standard Checking Account

Beginning Balance on 07/16/03	\$0.00
Tota! Deposits	+ 100.00
Service Charge	56
Ending Balance	\$99.44

Number of ATM withdrawals and transfers	0
Number of purchase transactions	0
Number of 24 Hour Customer Service Calls	
Self-Service	0
Accieted	Θ

Important Information About Your Account

A monthly service charge was applied to your account because on 07/16 your balance was below the minimum balance requirement of \$1,000. You can also avoid this charge by linking other Bank of America savings and money market deposit accounts and maintaining an average combined balance of \$5,000.

In September we will make changes to the information describing automated clearing house transactions posting to your account. These technical changes provide you with more reference information in an easy-to-read format.

☐ Bank of America News

Marc Chagali at the San Francisco Museum of Modern Art July 26-Nov 4, 2003 ONLY U.S. VENUE! Bank of America is proud to sponsor the Marc Chagall exhibition. Visit SFMOMA for the retrospective of this universally renowned artist including many works never before seen in this country. For tickets, visit ticketweb.com or call 866.468.3399.

Now, Online Banking lets you monitor your money in real time and view up-to-the-minute account activity. You can track transactions throughout the day - from ATM deposits and withdrawals, to Check Card purchases, direct deposits, loan payments and more. Access Online Banking at www.bankofarnerica.com.

Sign up for direct deposit and get faster access to your pay or any regularly recurring deposit. If you haven't yet discovered direct deposit, you're missing out on one of the most convenient ways to have access to your money. There is no sign-up fee and no monthly charge. For more details, visit www.bankofamerica.com/directdeposit.

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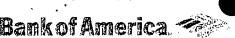
PETITIONS OFFICE

Continued on next page

California

Page 1 of 2





DAVID A D'ZMURA

Statement Period: July 16 through July 18, 2003 Account Number: 74

	Number	Date Posted	Amount			
		07/16	\$100.00		. <i>•</i>	
Account Act	ivity					
Date Posted Descrip	tion				Reference Number	Amount
	e Charge	Charge				\$.56
07/18 Month	ily Service				·	
	·	·				
·	·	Amount	Date .	Amount	Date	Amount
Daily Balanc	·		Oate	Amount 99.44	Date	Amount
Daily Balanc	е	Amount \$ 100.00	1		Date	Amount
Daily Balance Date 07/16 Bank of Ame	erica: In Ba	Amount \$ 100.00 alance your account,	1	99.44		Amount
Daily Balance Date 07/16 Bank of Ame To assist you in a reconciliation to	erica: In Bareconciling	Amount \$ 100.00 alance your account, s printed on th	07/18 we have provided the folloge reverse of this page.	99.44 owing summary in		



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Our free Online Banking service allows you to check account balances, transfer funds, pay bills and more. Enroll at www.bankofamerica.com.

Your Bank of America MyAccess checking Statement

Statement Period: July 19 through August 18, 2003

Account Number:

.74

At Your Service Call: 760.340.1867 Online: www.bankofamerica.com

Written Inquiries
Bank of America
Palm Desert Branch
PO Box 37176
San Francisco, CA 94137-0001

Customer since 2003
Bank of America appreciates your business and we enjoy serving you.

□ Summary of Your MyAccess checking Account

Beginning Balance on 07/19/03	\$99.44
Total Deposits : see 7 age 1, actuals	y - fee reverself 9.61
Total Checks, Withdrawals, Transfers, Account Fees	- 108.61
Ending Balance	\$.44

Number of ATM withdrawals and transfers	0
Number of purchase transactions	0
Number of 24 Hour Customer Service Calls	
Self-Service	0
Assisted	0

Bank of America News

Finish up last minute school shopping with ease. Avoid long lines and crowds by shopping online at www.bankofamerica.com/shop where you can receive exclusive savings from Dell Home Systems, Niketown.com, eBags and many more. Since your Bank of America Check Card(R) features Total Security Protection(TM), you can conveniently shop online with confidence.

From reordering checks, to placing a stop payment, or updating your address, Online Banking makes it simple to manage virtually every aspect of your account right from your computer. Moving? Plan ahead and reorder checks with your new address online. Access Online Banking today at www.bankofamerica.com.

Sign up for direct deposit and get faster access to your pay or any regularly recurring deposit. If you haven't yet discovered direct deposit, you're missing out on one of the most convenient ways to have access to your money. There is no sign-up fee and no monthly charge. For more details, visit www.bankofamerica.com/directdeposit.

The costs of college add up. Consider a private loan for students from Bank of America. Eligibility is not based on financial need, and the loan features a low interest rate, low fees and flexible loan limits and repayment options. Learn more at www.bankofamerica.com/studentbanking. Credit subject to approval.

DAVID A D'ZMURA

Statement Period: July 19 through August 18, 2003

Account Number: -

Acco	ount Activity		
Date Posted	Description	Reference Number	Amount
08/01	Deposits and Credits NSF Fee Reversal		\$9.61
07/24	Withdrawals, Transfers and Account Fees CA Tir cash withdrawal from Chk 6274 Banking Ctr Palm Desert CA Confirmation		\$85.00
07/29	CA Tir cash withdrawal from Chk 62/4 Banking Ctr Palm Desert		10.00
07/29	Check Printing Charge (includes Delivery Charges And All Applicable 4541		9.61
08/01	CA TIr cash withdrawal from Chk 6274 Banking Ctr Washington Street		4.00
	Total Withdrawals, Transfers and Account Fees		\$108.61

☐ Bank of America: In Balance

To assist you in reconciling your account, we have provided the following summary information. A reconciliation worksheet is printed on the reverse of this page.

	Your ending balance from this statement	\$0.44
•	Tour Ending Balance item the state of the st	9.61

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760 200 2581

Hahmilahalillamallanllallallallallamillladlad DAVID A D'ZMURA 78650 AVENUE 42 #810 BERMUDA DUNES CA 92201-1356

Our free Online Banking service allows you to check account balances, transfer funds, pay bills and more. Enroll at www.bankofamerica.com.

Your Bank of America MyAccess checking **Statement**

Statement Period: August 19 through September 17, 2003

Account Number:

:74

At Your Service Call: 760.340.1867

Online: www.bankofamerica.com

Written Inquiries **Bank of America** Palm Desert Branch PO Box 37176 San Francisco, CA 94137-0001

Customer since 2003 Bank of America appreciates your business and we enjoy serving you.

□ Summary of Your MyAccess checking Account

Beginning Balance on 08/19/03	\$.44
Total Deposits	+ 3,200.00
Total Checks, Withdrawals, Transfers, Account Fees	- 1,592.09
Service Charge	- 5.95
Ending Balance	\$1,602.40

Number of ATM withdrawals and transfers	1
Number of purchase transactions	. 0
Number of 24 Hour Customer Service Calls	
Self-Service	2
Assisted	0

☐ Important Information About Your Account

MyAccess checking customers who take advantage of Direct Deposit can reduce fees every month! To find out more, contact your employer or visit your local Bank of America banking center. For Social Security or SSI direct deposit, call the Social Security Administration toll-free at 1-800-772-1213.

Put your home equity to good use. Whether you use it for a vacation, education expenses or transferring balances on higher interest rate credit cards or loans, it's your choice. Talk to a Bank of America representative today.

When I sold my car, late on 9/4/03, I received from buyor, \$2,000 in cash, and \$1,500 in bank cashier check, made out to my full and correctly represented name, David Andrew D'Zmura. I deposited, o- 9/5/>3, \$1,700 of the cash and the \$1,500 cashier's check. I used the other \$300 to pay on outstanding bill at my cats' veterinarion and to buy food etc.

Continued on next page 0070431.001.T14

California

Page 1 of 3



Statement Period: August 19 through September 17, 2003 Account Number: 274

□ Bank of America News

Automatic bill payment with your Bank of America Check Card (R) is just a phone call away. It's as easy as 1-2-3. 1 - Call your service providers and tell them you want to set up automatic payments. 2 - Provide your Bank of America Check Card (R) number and choose a payment date. 3 - Track your payments on your monthly statement or on online banking.

It's not too late to apply for a student loan from Bank of America. Visit bankofamerica.com/studentbanking. Let us help you make your dreams come true.

Now there's a much faster and easier way to manage your accounts and pay bills. With our free Online Banking with Bill Pay service, pay virtually all your bills from one easy-to-use screen - in minutes. Just tell us who, how much and when you want to pay. It's free with your checking account. Sign up today at bankofamerica.com.

Bank of America is a proud sponsor of the 2003 L. A. County Fair, September 12 to 28 at Fairplex in Pomona. Enjoy half price admission Monday through Thursday evenings with \$5 after 5PM. The Fair lights up with fireworks, entertainment and concerts during "Fair after Dark." For more information, visit lacountyfair.com.

* Gap in check sequence

□ Branch/ATM Deposits

Number	Date Posted	Amount
from \$3,500 1 received 914103 for sale of my c	09/05 09/05	E=\$\frac{c}{c} \frac{c}{c} \frac{c} \frac{c}{c}

	Number	Date Posted	Amount
Total of 2 deposit	ts		\$3,200.00

□ Checks Paid

	Date Paid	Number	Amount
b.11 s	09/10	1	\$ 360.14
	09/11	101	220.03
	09/08	103	139.26
	09/09	104	31.77
	09/10	105	106.36
	09/09	106	46.00

_	Date Paid	Number	Amount
bills	/ 09/12 09/12 09/16 09/10	9000 9001 9002 9999	80.00 30.00 30.00 140.00
Total of 10	Checks Paid		\$1,183.56

☐ Account Activity

Date		
Posted	Description Reference Number	Amount
09/09	Withdrawais, Transfers and Account Fees Imperial Irrigth DES:Checkpaymt ID:0102 INDN:	\$158.93
09/11	Phonecharge DES:Fee ID	1.50
09/11	Co ID:1113214844 PPD Ref:020032543643895 Verizon By Phone DES:Payment ID:00	108.10
09/12	CA Tir cash withdrawal from Chk 6274 Banking Ctr Washington Street	60.00
09/16	Cash withdrawal on 09/16."	80.00
	Bank of America ATM #STATE 2 (Card #L. 3)	
ľ	Total Withdrawals, Transfers and Account Fees	\$408.53
09/17	Service Charge Monthly Service Charge	\$5.95

Continued on next page 0070431.002.T14

California

Page 2 of 3





DAVID A D'ZMURA

Statement Period: August 19 through September 17, 2003 Account Number: 74

☐ Bank of America: In Balance	
To assist you in reconciling your account, we have provided the following summary information. A reconciliation worksheet is printed on the reverse of this page.	
Your ending balance from this statement	\$1,602.40
Subtract the monthly service charge from your checkbook register	5.95
□ ATM Information	

This period, you visited the following ATM locations:

Bank of America's ATM Network

#SC' CO Deank Of America, Palm Desert, CA

760 200 2581

September 4.2003 535 PM Sou Bernardin Courty, CA

2019

I Don'd Andrew Dizmura, on the about date and time, hereby sold my Acura Integra, 1994, UIN JH4DB 7554RSD11806, hereby sold my Acura Integra, 1994, UIN JH4DB 7554RSD11806, hereby sold my to K , of Ave, Son Bernadio (A and gave and transfered my certificate of Title to said wellicle to same, and gave registration to my car to some velicle is sold with no express or implied warrantes, and is sold as is.

David Andrew DZmra

Dad Rohn Tha

9/4/03 (Sept. 4, 2003)

R R R R P - 4-03

B. IF DEALER, CHECK BELOW 00 6 4 4 10 Pilo X SELLER'S SIGNATURE JKLMNOP QRSTUV WX Y Z O1 2 3 4 5 6 7 8 D. ODCHAETER READING \$350 NOTICE OF RELEASE OF LIABILITY MAIL THIS FORM TO DMV EDBHGXH PRINT YOUR CHARACTERS IN CAPITAL LETTERS USING BLACK OR BLUE INK-READ INSTRUCTIONS ON REVERSE SIDE. . SELLING PRICE PLATE NIJUBER DATE OF SAL 12 4 (MIDDLE) MIDDLE four liability for this vehicle may not be released if you submit illegible or incomplete information. 1994 ACUR YR MODEL MAKE 922201 (FINST) 7 APT <u>د.</u> ح (FIRST) STATE C A STATE 2 H 3 6 7 2 6 9 1 8 4 AUGNE DUNES JH4087554RS011706 ABCDEF6HI BU"ER'S TRUE FULL NAME (LAST) G. SELLER'S TRUE FULL NAME (LAST DI ZHIVEA BLRMUDA VEHICLE ID NUMBER 786150 SELLER'S ADDRESS C. BUYER'S ADDRESS **シ**ロハ 7

DO NOT DETACH UNTIL SOLD

REG. 138A (REV. 11/97)

THIS VALIDATED REGISTRATION CARD OR A T-VEHICLE FOR WHICH IT IS ISS VEHICLE IS LEFT UNATTENDED. CA OFFICER UPON DEMAND. IF YOU TO PAY YOUR RENEWAL FEES OR PLANNED NON-OPERATIONAL STATE CAPIRES 11-21-05 PLANNED NON-OPERATIONAL STATE MUST BE PAID ON OR BEFORE TH BE DUE PURSUANT TO CALIFORNI.

DRIVER LICENSE 87 - ATMITTA DAVID ANDREW DZMURA 78650 AVE 42 APT 510 BERMUDA DUNES CA 92201 Dr . HT -6-00

97/24/2003 578 C1

KEPT WITH THE IT TO ANY PEACE JSE THIS FORM IICLES OF THE . RENEWAL FEES PENALTIES WILL

EVIDENCE OF LIABILITY INSURANCE TO THE DEPARTMENT WITH THE PAY

COMPANY MUST BE PROVIDED WEWAL FEES. EVIDENCE OF LIABILITY INSURANCE IS NOT REQUIRED WITH REGISTRATION RENEWAL OF OFF-HIGHWAY VEHICLES, TRAILERS, VESSELS, OR IF YOU FILE A PNO ON THE VEHICLE.

WHEN WRITING TO DMV, ALWAYS GIVE YOUR FULL NAME, PRESENT ADDRESS, AND THE VEHICLE MAKE, LICENSE, AND IDENTIFICATION NUMBERS.

DO NOT DETACH - REGISTERED OWNER INFORMATION



REGISTRATION CARD VALID FROM: 07/20/2003 TO: 07/20/2004 MAKE YR MODEL ACUR

1994

DZMURA DAVID ANDREW

78650 AVENUE 42 APT 810

MP

YR IST SOLD 1994 MO

EΑ

VLF CLASS

TYPE VEH 170

PIC

TYPE LIC 11

LICENSE NUMBER 4XDH803

VEHICLE 1D NUMBER

4D TYPE VEHTCLE USE

BODY TYPE MODEL

G JU DATE ISSUED

CC/ALCD

OT FEE RECVO

JH4DB7554RS011706

AUTOMOBILE

REGISTERED OWNER

07/24/03

33

07/24/03 9

PR EXP DATE: 07/20/2004 AMOUNT PAID

\$NFEE

AMOUNT RECVO

AMOUNT DUE \$ NONE:

CASH :

CHCK:

BERMUDA DUNES

CA

92201

CRDT:

CIENHOLDER

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. Adjustment o I teurroad Deductions	40,		4-01		401		4/2		40		
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hodistical toxeste Income	·	1,650.		1,116.		18,057	\ \	864,01		72,432	
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Adjustment	224.			deductions		State (m	tax return files	ا الم	or gived tax return filings: my starties: single (unmarrited), no depandents	an dents	
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my plesoned P.D. Bux 2541

122 PAJ LESSEN, CA 97261

wich 1 paid in cash on 7/18/03 \$29-

PO BOX FEE PAYMENT POSTMASTER

PALM DESERVOR SEE

POSTAGE WILL BE PAID BY ADDRESSEE

FIRST-CLASS MAIL PERMIT NO. 99998

BUSINESS REPLY MAIL



Box or caller fee due by the last day of this month Boxes will be closed if fee is not paid by due date. Please disregard if payment has been made. Please write box number on your check.

☐ Annual

☒ Semiannual

☐ Reserved No.

Box Number(D'ZMURA, DAVID ANDREW

6 Months: \$29.00 12 Months: \$58.00

12 viontns: \$56.00 Due Date: 07/31/200

P.O. Box Fee Due

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES